

96TH CONGRESS
1ST SESSION

H. R. 3571

To eliminate the exemption for Congress or for the United States from the application of certain provisions of Federal law relating to employment, privacy, and social security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 1979

Mr. JACOBS introduced the following bill; which was referred jointly to the Committees on Education and Labor, Government Operations, and Ways and Means

A BILL

To eliminate the exemption for Congress or for the United States from the application of certain provisions of Federal law relating to employment, privacy, and social security, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That it is the purpose of this Act to eliminate the exemption
- 4 for the Congress or for the Federal Government, as the case
- 5 may be, in the provisions of Federal law described in this
- 6 Act.

1 EQUAL EMPLOYMENT OPPORTUNITY

2 SEC. 2. (a) Section 717(a) of the Civil Rights Act of
3 1964 is amended by striking out "in those units of the legis-
4 lative and judicial branches of the Federal Government
5 having positions in the competitive service" and inserting in
6 lieu thereof "in all units of the legislative branch of the Fed-
7 eral Government, and in those units of the judicial branch of
8 the Federal Government having positions in the competitive
9 service".

10 (b) Section 717(b) is amended by adding at the end
11 thereof the following new sentence: "With respect to employ-
12 ment in any unit of the legislative branch of the Federal Gov-
13 ernment (except the Library of Congress), authorities granted
14 in this subsection to the Civil Service Commission shall be
15 exercised by the Equal Employment Opportunity Commis-
16 sion.".

17 LABOR-MANAGEMENT RELATIONS

18 SEC. 3. (a) Section 2(2) of the National Labor Relations
19 Act is amended by striking out "but shall not include the
20 United States or any wholly owned Government corporation,
21 or" and inserting in lieu thereof the following: "and includes
22 the United States, and any unit of the legislative branch of
23 the Federal Government, but shall not include".

1 (b)(1) Section 7 of such Act is amended by striking out
2 "Employees" and inserting in lieu thereof "Except as pro-
3 vided in subsection (b), employees".

4 (2) Section 7 of such Act is amended by inserting "(a)"
5 after the section designation and by adding at the end thereof
6 the following new subsection:

7 "(b) Nothing contained in the provisions of subsection
8 (a) of this section shall be construed to limit the application of
9 the provisions of section 7311 of title 5, United States
10 Code."

11 FAIR LABOR STANDARDS; EQUAL PAY

12 SEC. 4. Section 3(e)(2)(iii) of the Fair Labor Standards
13 Act of 1938 is amended to read as follows:

14 "(iii) in any unit of the legislative branch of
15 the Government, or in any unit of the judicial
16 branch of the Government which has positions in
17 the competitive service,".

18 OCCUPATIONAL SAFETY AND HEALTH

19 SEC. 5. (a) Section 3(5) of the Occupational Safety and
20 Health Act of 1970 is amended by striking out "but does not
21 include the United States or" and inserting in lieu thereof
22 "and does include the United States (including any unit of
23 the legislative branch of the Federal Government) but does
24 not include".

1 (b) Section 3(6) is amended by inserting before the
2 period a comma and the following: "and the employees of the
3 United States (including any unit of the legislative branch of
4 the Federal Government) shall be deemed to be employed in
5 a business affecting commerce for the purpose of this Act".

6 FREEDOM OF INFORMATION AND PRIVACY

7 SEC. 6. Section 552(e) of title 5, United States Code, is
8 amended by inserting before the period a comma and the fol-
9 lowing: "or any unit of the legislative branch of the Federal
10 Government".

11 SOCIAL SECURITY

12 SEC. 7. (a)(1) Section 210(a)(6)(C) of the Social Security
13 Act is amended—

14 (A) by amending clause (i) to read as follows:

15 "(i) as the President of the United States;";

16 and

17 (B) by repealing clause (ii) thereof.

18 (2) Section 210(a)(6) of such Act is amended by adding
19 at the end thereof the following new subparagraph:

20 "(D) Except that the preceding provisions of this
21 paragraph shall not apply with respect to service per-
22 formed as a Member of Congress (as defined in section
23 2106 of title 5, United States Code) or in the legisla-
24 tive branch;".

1 (b)(1) Section 3121(b)(6)(C) of the Internal Revenue
2 Code of 1954 (relating to definition of employment) is amend-
3 ed—

4 (A) by amending clause (i) to read as follows:

5 “(i) as the President of the United States;”;

6 and

7 (B) by repealing clause (ii) thereof.

8 (2) Section 3121(b)(6) of such Code is amended by
9 adding at the end thereof the following new subparagraph:

10 “(D) Except that the preceding provisions of
11 this paragraph shall not apply with respect to
12 service performed as a Member of Congress (as
13 defined in section 2106 of title 5, United States
14 Code) or in the legislative branch;”.

15 EFFECTIVE DATE

16 SEC. 8 (a) Except as provided in subsection (b), the
17 amendments made by this Act shall take effect thirty days
18 after the date of enactment of this Act.

19 (b) The amendments made by section 7 of this Act shall
20 be effective with respect to taxable years beginning after De-
21 cember 31, 1979.